

Administration, U.S. Nuclear Regulatory Commission at (301) 492-3446.

Comments would be most helpful if received by October 30, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-1150 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML091200454.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to pdr.resource@nrc.gov.

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Dated at Rockville, Maryland, this 24 day of August 2009.

For the Nuclear Regulatory Commission.

Andrea D. Valentin,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

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NUCLEAR REGULATORY COMMISSION

[NRC-2009-0383]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance and availability of Draft Regulatory Guide, DG-1227.

FOR FURTHER INFORMATION CONTACT:

Donald Helton, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 251-7594 or e-mail to Donald.Helton@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide (DG), titled, "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications," is temporarily identified by its task number, DG-1227, which should be mentioned in all related correspondence. DG-1227 is proposed Revision 1 of Regulatory Guide 1.177, dated August 1998. The NRC's policy statement on probabilistic risk assessment (PRA) encourages greater use of this analysis technique to improve safety decisionmaking and improve regulatory efficiency. The NRC staff's Risk-Informed and Performance-Based Plan (RPP) formerly known as the PRA Implementation Plan describes current or planned activities to expand use of this analytical method. One activity under way in response to the policy statement is the use of PRA in support of decisions to modify an individual plant's technical specifications (TS).

Licensee-initiated TS changes that are consistent with currently approved staff positions (e.g., regulatory guides, standard review plans, branch technical positions, or the Standard Technical Specifications (STS)) are normally evaluated by the staff using traditional engineering analyses. A licensee would not be expected to submit risk information in support of the proposed change. Licensee-initiated TS change requests that go beyond current staff positions may be evaluated by the staff using traditional engineering analyses as well as the risk-informed approach set forth in this regulatory guide. A licensee may be requested to submit supplemental risk information if such information is not provided in the original submittal by the licensee. If risk information on the proposed TS change is not provided to the staff, the staff will review the information provided by the licensee to determine whether the application can be approved based upon the information provided using traditional methods and will either approve or reject the application based upon the review.

II. Further Information

The NRC staff is soliciting comments on DG-1227. Comments may be accompanied by relevant information or supporting data and should mention DG-1227 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed. You may submit comments by any of the following methods:

1. *Mail comments to:* Rulemaking and Directives Branch, Mail Stop: TWB-05-B01M, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

2. *Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID [NRC-2009-0383]. Address questions about NRC dockets to Carol Gallagher, 301-492-3668; e-mail Carol.Gallagher@nrc.gov.

3. *Fax comments to:* Rulemaking and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492-3446.

Requests for technical information about DG-1227 may be directed to the NRC contact, Donald Helton at (301) 251-7594 or e-mail to Donald.Helton@nrc.gov.

Comments would be most helpful if received by November 3, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-1227 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at

<http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML091200294.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to pdresource@nrc.gov.

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Dated at Rockville, Maryland, this 25th day of August 2009.

For the Nuclear Regulatory Commission.

Andrea D. Valentini,

Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 40-9068; NRC-2008-0391]

Lost Creek ISR, LLC; Lost Creek In-Situ Recovery Project; New Source Material License Application; Notice of Intent To Prepare a Supplemental Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Intent (NOI).

SUMMARY: Lost Creek ISR, LLC (LCI) submitted an application for a new source material license for the Lost Creek *In-Situ* Recovery (ISR) Project to be located in Sweetwater County, Wyoming, approximately 70 miles southeast of Lander, Wyoming and approximately 40 miles northwest of Rawlins, Wyoming. The application proposes the construction, operation, and decommissioning of ISR, also known as *in-situ* leach, facilities and restoration of the aquifer from which the uranium is being extracted. LCI submitted the application for the new source material license to the U.S. Nuclear Regulatory Commission (NRC) by a letter dated March 31, 2008. A notice of receipt and availability of the license application, including the Environmental Report (ER), and opportunity to request a hearing was published in the **Federal Register** on July 10, 2008 (73 FR 39728). The purpose of this notice of intent is to

inform the public that the NRC will be preparing a site-specific Supplemental Environmental Impact Statement (SEIS) to the Generic Environmental Impact Statement for *In-Situ* Leach Uranium Milling Facilities (ISR GEIS) for a new source material license for the Lost Creek ISR Project, as required by 10 CFR 51.26(d). In addition, as outlined in 36 CFR 800.8, "Coordination with the National Environmental Policy Act," the NRC plans to use the environmental review process as reflected in 10 CFR Part 51 to coordinate compliance with Section 106 of the National Historic Preservation Act.

FOR FURTHER INFORMATION CONTACT: For general information on the NRC NEPA or the environmental review process related to the Lost Creek ISR Project application, please contact the NRC Environmental Project Manager, Alan B. Bjornsen, at (301) 415-1195 or Alan.Bjornsen@nrc.gov.

Information and documents associated with the Lost Creek ISR Project, including the license application, are available for public review through our electronic reading room: <http://www.nrc.gov/reading-rm/adams.html> and on the NRC's Lost Creek Site Web page: <http://www.nrc.gov/info-finder/materials/uranium/apps-in-review/lost-creek-new-app-review.html>. Documents may also be obtained from NRC's Public Document Room at the U.S. Nuclear Regulatory Commission Headquarters, 11555 Rockville Pike (first floor), Rockville, Maryland.

SUPPLEMENTARY INFORMATION:

1.0 Background

LCI submitted the application for the new source material license to the NRC for ISR facilities by a letter dated March 31, 2008. A notice of receipt and availability of the license application, including the ER, and opportunity to request a hearing was published in the **Federal Register** on July 10, 2008 (73 FR 39728). No requests for hearing were submitted.

The NRC originally planned to document this environmental evaluation in draft and final Environmental Assessments (EAs). However, during the development of the final ISR GEIS, NRC decided to prepare an SEIS that will tier off of the ISR GEIS for applications to license new ISR facilities. This environmental evaluation for the Lost Creek ISR Project will now be documented in draft and final SEISs instead of an EA. While NRC regulations do not require scoping under 10 CFR Part 51 for SEISs, NRC staff met with Federal (Bureau of Land Management—

Cheyenne, Casper, Rawlins; Bureau of Indian Affairs—Fort Washakie; Fish & Wildlife Service—Rawlins), State (Wyoming Department of Environmental Quality—Cheyenne, Lander; State Engineer's Office; Wyoming Department of Game & Fish—Lander; Governor's Planning Office; State Historic Preservation Office) and local government agencies (Sweetwater County Planning Department; Sweetwater County Engineers' Office; Fremont County Planning Department; Town of Bairoil) and public organizations (Lander Chamber of Commerce; Wyoming Community Development Authority) in January of 2009 as part of a site visit to gather site-specific information to assist in the preparation of the Lost Creek ISR Project environmental review. NRC also contacted potentially interested Tribes and local public interest groups via e-mail and telephone to gather additional information.

The NRC has begun evaluating the potential environmental impacts associated with the proposed ISR facility in parallel with the review of the license application. This environmental evaluation will be documented in draft and final SEISs in accordance with NRC's NEPA implementing regulations contained in 10 CFR Part 51. The NRC is required by 10 CFR 51.20(b)(8) to prepare an Environmental Impact Statement (EIS) or a supplement to an EIS for the issuance of a license to possess and use source material for uranium milling. The ISR GEIS and the site-specific SEIS fulfills this regulatory requirement. The purpose of the present notice is to inform the public that the NRC staff will prepare a site-specific supplement to the ISR GEIS (NUREG-1910) as part of the review of the application.

2.0 Lost Creek ISR Facilities

The facilities, if licensed, would include a central processing plant, accompanying wellfields, and ion exchange columns. The process involves the dissolution of the water-soluble uranium from the mineralized host sandstone rock by pumping oxidants (oxygen or hydrogen peroxide) and chemical compounds (sodium bicarbonate) through a series of production and extraction wells. The uranium-rich solution is transferred from the production wells to the central processing plant for uranium concentration using ion exchange columns. Processing is conducted in the central processing plant to produce a yellowcake slurry that will be transported to another ISR facility for final processing into a dry yellowcake.